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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/817,289	03/27/2001	Hiroshi Hatakama	1095.1179	7696
21171	7590	04/06/2006	EXAMINER	
STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			LANEAU, RONALD	
			ART UNIT	PAPER NUMBER
			3627	

DATE MAILED: 04/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/817,289

Applicant(s)

HATAKAMA ET AL.

Examiner

Ronald Laneau

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4,7,9-12,20,21,25 and 26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4,7,9-12,20,21,25 and 26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 02/15/06 has been entered.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-4, 7, 9-12, 20, 21 and 25-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jacobin et al. (2001/00291 A1) in view of Ng (6,405,175 B1) and further in view of Walker et al (US 2005/0027601 A1).

As per claims 1, 7, 10, 12 and 25, Jacobi discloses a product information supply method for supplying a terminal of a user who desires to purchase a product via a network with information about a related product that could be bought together with said product (Figs. 1, 2, 5, 7; Abstract; [0003]), said method steps comprising;

Receiving combination information about combinations of products (Figs. 1-79 Abstract; (0003)-(0019));

Searching the database in response to inquiring information about the combination information from the terminal of the user to supply the terminal of the user with corresponding combination information extracted from the database on the basis of the inquiring information (Figs. 1-7; Abstract [0003]-[0019]).

Jacobi discloses that the combination information utilized does not require the recommendations/ratings of other users, it is based on the collective interests of the community of users ([0011]).

Ng discloses receiving information about products from a terminal of a person who is rating the product and providing feedback, i.e. bought the product and liked or didn't like it and making registration of the product information with a database so that the product information can be accumulated and a reward can be sent to the registering person based on following a hyperlink to obtain more information via the Internet (Figs. 1-7; ; cols. 3-4, lines 23-8, col. 4, lines 57-67, cols. 5-1 1).

Ng further discloses that the Internet is increasingly being used for purchases with virtual stores replacing the so-called bricks-and mortar stores as they can serve customers in many different cities/states without the costly local stores and that moreover, a shopper uses his browser for comparison purposes (cols. 1-2). Moreover, Ng discloses that online reviews are provided linking shoppers to compare products as well as prices and that ordinary people have posted reviews and comments about products through newsgroups and on product web sites but that they are often difficult to find and navigate because the product reviews are not linked to the specific goods, that there is a significant cost and time factor to accumulate product reviews and build a database of products and prices, while use of consumers utilizing a reward system to

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build and correct such a database based upon the utility of the information, its usage and relevancy, i.e. how up-to-date and reliable. However, neither Jacobi nor Ng discloses that the product information acquiring method can be used with combination information but Walker discloses allowing a plurality of consumers to each purchase a same combination of products via a network, as that of the combination of products purchased by the individual (page 4, box [0049], lines 24-29, box [0050], lines 1-7). The relationship between the products is evident since one has to select a first product before a second group of products is revealed for another selection by the customer to purchase a combination of products. Neither Jacobi nor Ng nor Walker explicitly disclose determining priority of supply a user with the combination information on the basis of the number of time a purchase of the related products have been made on the basis of the combination information, or based on the number of times reference has been made to the Web page by the corresponding combination information. However, the rewards in Ng are explicitly tied to the number of times reference has been made to the Web page.

It would have been obvious to one of ordinary skill in the art at the time of the invention to have utilized the database building mechanism as taught in Ng in Jacobi because it would allow the system to store promotional information based on supply and/or demand for direct access by consumers and create a reward based on consumers' viewing of the web pages. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to have utilized combination product information in the product information registering method of Walker into the system of Ng because consumers are often shopping for related products, merchants utilize this information to upsell and cross-sell by decreasing inventories and thereby

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increasing profitability, and merchants/manufacturers utilize this information to market products to consumers, i.e. bundling, in order to generate increased revenue streams and remain competitive.

As per claim 2, Jacobi teaches that the inquiry information is a choice signal that indicates a product chosen at the terminal of the user in order to specify a candidate for purchase or place a buy order (Abstract - computer-implement service recommends items based on item previously selected by the user, such as item previously purchased or placed in an electronic shopping cart.

As per claims 3-4, Jacobi teaches that the inquiry information is sent from the terminal of the user via an online shop that sells the products ((00302)-(0052) - amazon.com web site).

As per claim 9, Ng discloses providing rewards, i.e. referral fees from the suppliers to the managers of database based on the number of times a purchase of the related products have been made on the basis of the number of times reference has been made to the Web page by the 2 It would have been product information or the user actually buys the product (cols. 13-15). It would have been obvious to one of ordinary skill in the art at the time of the invention to have utilized rewards to managers of the database as taught in Ng in the method of Jacobi because collecting, gathering, storing and providing the information costs money and the revenue would have to be returned to the manager in some form and rewards are one mechanism for providing that revenue that are outcome based and ensure the satisfaction of the suppliers/sellers and provide incentives to the managers of the database.

As per claim 11, Ng discloses that rewards can be based upon product sales and that the web site can also directly handle purchase transactions, rather than simply refer users to the

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supplier's web site and that the web site may rely on users to verify and refresh data and to verify that the product was purchased, i.e. comment after a predetermined period lapses (cols. 5-13). would have been obvious to one of ordinary skill in the art at the time of the invention to confirm that the product was purchased pursuant to a user recommendation as taught in Ng and to verify that registration, i.e. comment as also taught in Ng for a reward after a predetermined period lapses to the method of Jacobi because rewards cost the supplier/manager money and implementation of checks and balances streamlines the system and because verification enhances the amount of information collected adding more information to the collaborative filtering mechanism.

Claims 20, 21, 26 and 27 are rejected for the same reasons in claim 1.

#### ***Response to Arguments***

4. Applicant's arguments filed on 2/15/06 have been fully considered but they are not persuasive.

Applicant argues that neither of the foregoing references relied upon, individually or combined, disclose "allowing a plurality of consumers to each purchase a same combination of products via a network, as that of the combination of products purchased by the individual, and determining priority of supplying a consumer with the combination information based on a number of times a purchase of the same combination of products have been made based on the combination information, and based on a number of times reference has been made to a web page that introduces the same combination of products described in the combination information as link information." In response to Applicant's arguments, Jacobi provides a system that allows

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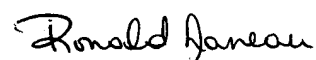
customers to search a product/price database. The information in the database is collected and corrected by submitting customers who are rewarded for product submissions. Walker provides the combination of the products so when combined with Jacoby would allow consumers to purchase a product derived from a combination of products offered based on information submitted by consumers. The response to Applicant's arguments in the previous Office action also stands. Claims 1-4, 7, 9-12, 20, 21 and 25-26 remain rejected.

### *Conclusion*

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ronald Laneau whose telephone number is (571) 272-6784. The examiner can normally be reached on Mon-Fri from 8:30am - 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on (571) 272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Ronald Laneau  
Examiner  
Art Unit 3627

3/31/06